

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

KENNETH JON GUERRERO,)	CIVIL NO. 03-00038 HG-LEK
)	
)	
Plaintiff,)	
)	
vs.)	
)	
RJM ACQUISITIONS, LLC,)	
)	
Defendant.)	
)	
)	

ORDER VACATING AWARD OF ATTORNEYS' FEES TO PLAINTIFF KENNETH JON GUERRERO AND ENTERING JUDGMENT ON COUNTS I AND II IN FAVOR OF DEFENDANT RJM ACQUISITIONS, LLC

On July 9, 2004, the Court entered an Order Denying Defendant's Motion to Dismiss and Granting in Part and Denying in Part Plaintiff's Pleading Entitled "Plaintiff's Counter Motion for Summary Judgment" and Granting in Part and Denying in Part Defendant's Counter Motion for Summary Judgment. (Doc. 66.)

On December 15, 2004, the Court entered judgment in favor of Plaintiff and against Defendant. (Doc. 73.)

On May 13, 2005, the Magistrate Judge issued a Report of the Special Master on Plaintiff's motion for award of attorneys' fees, finding and recommending that the motion be denied in part and granting in part and recommending that the district court award Plaintiff attorneys' fees in the amount of \$45,237.21. (Doc. 88.)

On June 9, 2005, the Court entered an Order adopting the

special master's report. (Doc. 89.)

Defendant RJM Acquisitions, LLC appealed these orders.

Upon entertaining Defendant's appeal, the Circuit Court of Appeals for the Ninth Circuit, in an order dated August 23, 2007, reversed and remanded "with instructions to vacate the award of attorneys' fees to Guerrero and to enter judgment on both Counts I and II in favor of RMJ Acquisitions."

In accordance with the Ninth Circuit's order,

- (1) the award of attorneys' fees in favor of Plaintiff Guerrero is **VACATED**;
- (2) the Clerk of Court is **DIRECTED** to enter Judgment in favor of Defendant RJM Acquisitions, LLC as to both Counts I and II; and
- (3) this case is now **CLOSED**.

IT IS SO ORDERED.

DATED: December 10, 2007, Honolulu, Hawaii.



/s/ Helen Gillmor
Chief United States District Judge

Guerrero v. RJM Acquisitions, Inc.; Civ. No. 03-00038 HG-LEK; **ORDER VACATING AWARD OF ATTORNEYS' FEES TO PLAINTIFF KENNETH JON GUERRERO AND ENTERING JUDGMENT ON COUNTS I AND II IN FAVOR OF DEFENDANT RJM ACQUISITIONS, LLC**